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IN THE
Supreme Court of the United States

OCTOBER TERM, 1956.

No. 540.

CIVIL AERONAUTICS BOARD, *Petitioner,*

vs.

IDA MAE HERMANN, *et al., Respondents.*

**On Writ of Certiorari to the United States Court of Appeals
for the Ninth Circuit.**

PETITION FOR REHEARING.

ROLAND E. GINEBURG,
3325 Wilshire Boulevard,
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Counsel for Respondents.

KEATINGE & OLDER,
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Of Counsel.

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*To the United States Supreme Court and the Justices
Thereof:*

The Respondents in the above-entitled cause present this petition for a rehearing of the above-entitled cause, and, in support thereof, respectfully show:

I.

This Court in its opinion of May 6, 1957, reversed the judgment of the Court of Appeals for the Ninth Circuit remanding this cause to the United States District Court for further proceedings. This cause was remanded to the District Court with instructions to reinstate its enforcement order of May 6, 1955.

II.

It is respectfully submitted that this Court has failed to consider the following pertinent matters, which assume particular significance in view of the hundreds of thousands of documents subpoenaed by the Board and the wholly unreasonable burden of production thereby placed upon the Respondents:

(a) The subpoenas were issued in an adversary enforcement proceeding where the standards of materiality and relevance are far more stringent than in an administrative investigatory proceeding. (*Westside Ford, Inc. v. United States*, 206 F. 2d 627, 632 (C. A. 9); *Hagen v. Porter*, 156 F. 2d 362, 365 (C. A. 9), cert. den. 329 U. S. 729.)

(b) The subpoenas described the documents sought only by general classes or categories; there is no specification of subject matter contained in the subpoenas. (*Hale v. Henkel*, 201 U. S. 43, 76-77; cf. *Brown v. United States*, 276 U. S. 134, 142-143.)

(c) Several of the Respondents have properly raised and preserved the defense of unreasonable invasion of privacy by reason of the required production of personal income tax returns. The Court of Appeals ruled that the District Court must pass upon the issue raised. This Court did not pass upon this issue.

Wherefore, upon the foregoing grounds, it is respectfully urged that this petition for a rehearing be granted

and that the judgment of the Court of Appeals for the Ninth Circuit be, upon further consideration, affirmed.

Dated, May 29, 1957.

Respectfully submitted,

ROLAND E. GINSBURG,

Counsel for Respondents.

KEATINGE & OLDER,

Of Counsel.

Certificate of Counsel.

I, counsel for the above-named Respondents, do hereby certify that the foregoing petition for a rehearing of this cause is presented in good faith and not for delay.

ROLAND E. GINSBURG,

Counsel for Respondents.